



PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Bevely ROBERTS

Application No.: 10/035,166

Filing Date: January 4, 2002

For: APPARATUS FOR DELIVERING INHALANT
AND MONITORING EXHALED FLUID,
METHOD OF MAKING SAME, AND METHOD
OF DELIVERING INHALANT AND
MONITORING EXHALED FLUID

Group Art Unit: 3761

Examiner: D. EREZO

Commissioner for Patents
Washington, D.C. 20231

Sir:

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INFORMATION DISCLOSURE STATEMENT

Patentee brings to the attention of the Examiner the documents listed on the attached PTO-1449. This Information Disclosure Statement is being filed before the mailing date of a final action under § 1.113 and under 1.97(e)(2), no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

A copy of each listed document is provided.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "prior art." If it should be determined that the listed documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such documents. Applicant further reserves the right to take

appropriate action to establish the patentability of the disclosed invention over the listed documents, should the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 04-2223.

Respectfully submitted,

DYKEMA GOSSETT PLLC

Dated: September 16, 2003

By: 

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